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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/080,248	02/19/2002	William Harold Falberg		1804

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EXAMINER

ALIE, GHASSEM

ART UNIT	PAPER NUMBER
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3724

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DATE MAILED: 05/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/080,248

Applicant(s)

FALBERG, WILLIAM HAROLD

Examiner

Ghassem Alie

Art Unit

3724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_ 6) ☐ Other: \_\_\_\_

*Claim Objections*

1. Claims 1, 3, and 7 are objected to because of the following informalities: in claim 1, lines 7 and 10, "a bandsaw" should be --said bandsaw--, "one or more of blade guide assemblies" should be --one or more blade guide assemblies--; in claim 7 3, lines 5, 6, and 8 and in claim 7, line 5 "relative to cut the plane;" should be --relative to cut the plane--, "plain" should be --plane--. Appropriate correction is required.

*Claim Rejections - 35 USC § 112*

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1-8 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which is not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Regarding claim 1, the disclosure fails to teach a bandsaw and differentiate the bandsaw from a double-edged bandsaw blade. Is the applicant referring to the bandsaw blade 1 and the blade guide assembly 10 as a bandsaw device or apparatus or machine? See line 3 of claim 1 and page 6, lines 1-8 of the specification. Regarding claims 5 and 8, the disclosure fails to teach one of ordinary skill in the art how the trust rollers are driven synergetically in relation with the blade and how the trust rollers indentations corresponding synergetically to the teeth of a conventional band saw blade.

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

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The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 5 and 8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Regarding Claims 5 and 8, it fails to clearly define what "synergistically" means in relation with the thrust rollers and the teeth of the bandsaw blade. It is not clear what makes the trust rollers to drive synergetically in relation with blade. It is also not clear how the trust rollers indentations are corresponding synergetically to the teeth of the bandsaw blade. Regarding claim 8, "cutting edge of the prior art bandsaw blade" makes the claim indefinite since the midst and bonds of the claim cannot be defined by the prior art structure.

*Claim Rejections - 35 USC § 103*

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1, 2, and 6, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith (2,751,941) in view of Davis (4,295,263). Regarding claim 1, Smith discloses a bandsaw 10 defined by the tubular power saw 10 which is a bandsaw, to the extend that its blade13 is looped. Smith also discloses a bandsaw blade 13 having a metal band whose ends are joined to form a cylindrical loop, as shown in Fig. 5, having a blade guide bracket assembly 74 which supports two opposing pairs of elastomeric roller assemblies 85-87 (defined by the drive rollers

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85,86 and trust rollers 87) and a means to connect the guide assembly to the bandsaw 10. See Figs. 5 and 6 and col. 3, lines 20-54 and col. 6, lines 30-66 and col. 7, lines 10-24 in Smith. Smith does not teach a double-edged bandsaw. Davis teaches a double-edged bandsaw 24 having a metal band whose ends are joined to form a cylindrical loop with cutting teeth on both edges 25,26. See Fig. 1A and col. 5, lines 15-29 in Davis. It would have been obvious to a person of ordinary skill in the art to provide Smith's sawing device with the double-edged bandsaw as taught by Davis in order to be able to cut a block of a material in two directions and reduce the time of a the cutting operation.

Regarding claim 2, Smith teaches everything noted above including that the roller assemblies 85-87 having a cylindrical wheel of elastomeric substance (defined by a resilient material) affixed to a radial bearing and mounted to a shaft with means to attach to the guide blade bracket assembly 74. The rollers 85-87 each have a wheel and a shaft and an attachment means, which appear to be bolts and nuts, to attach the roller assemblies 85-87 to the bracket assembly 74 as shown in Fig. 5 in Smith.

Regarding claim 6, Smith as modified above teaches everything noted above but Smith as modified by Davis does not expressly teach that the bandsaw blade's tooth length is consistently uniform and equals an integral factor of the thrust rollers outside circumference. However, the uniform tooth length is well known in the art, moreover, official notice is taken that saw teeth can be of any size dependent on what is being cut. Therefore, the make of the particular saw length relating to another length of the apparatus such as defined in claim 6 would have been an obvious

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expedient base on a mental calculation transcribed to a desired tooth structure or tooth size.

#### **Allowable Subject Matter**

8. Claims 3, 4, and 7 would be allowable if rewritten to overcome the rejection under 35 U.S.C. 112 set forth in this Office action and to include all of the base claim and any intervening claims. The following is a statement of reasons for the indication of allowable subject matter: the prior art of record does not teach trust assembly serve to support thrust against the cutting edges of the bandsaw blade as set forth in claim 3, the guide bracket assembly having a metal plate with elongated adjustment slots as set forth in claim 7.

#### ***Comment***

9. It is noted that claims 5 and 8 have not been rejected over prior art. However, in view of the issues under 35 U.S.C. 112 the allowability of claims 5 and 8 cannot be commented at this time.

#### ***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Young (6,164,161) discloses a band saw blade sharpener.

Ohnishi et al. (5,301,586) disclose a vibration prevention device for bandsaw machine.

Bohman (4,578,984) discloses a machine for deforming the gullets of saw blades to improve resistance to fatigue stress.

Davis (4,619,167) discloses an adjustment circular insulation saw system.

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Gilmore (3,312,131) disclose an insulation forming device.

Taft (3,060,779) discloses a cutting apparatus.

Wilkie (2,311,426) discloses a sawing apparatus.

Ocenasek (2,695,637) discloses a band sawing machine.

McKeage (2,059,595) discloses a meat cutting machine.

Snodgrass Jr. (6,463,836) discloses a guide for band saws.

Costly (5,305,673) discloses a dual blade band saw.

Weichel (4,568,030) discloses a combination meat saw and grinder.

Kriplez (5,410,934) discloses a swivelable guide head for band saw adaptable for wide and narrow saw blades.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ghassem Alie whose telephone number is (703) 305-4981. The examiner can normally be reached on Mon-Fri 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan Shoap can be reached on (703) 305-1082. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9302 for regular communications and (703) 872-9302 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

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GA/ga

May 9, 2003



Allan N. Shoap  
Supervisory Patent Examiner  
Group 3700